

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of
Bill Proctor
Respondent

Civil Citation No. 59762
6801 Windsor Mill Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 16, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 13-7-312, 13-7-201, 35-5-302, failure to clean exterior grounds of trash and debris, failure to store garbage in containers with tight fitting lids, failure to repair or remove defective wood fence on residential property zoned DR 5.5 known as 6801 Windsor Mill Road, 21207.

On June 1, 2009, pursuant to §3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$19,800.00 (nineteen thousand eight hundred dollars).

The following persons appeared for the Hearing and testified: Bill Proctor, Respondent and, Paul Cohen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 30, 2009 for removal of tall grass, removal of trash and debris, proper storage of garbage, correction of unsanitary conditions, and repair of defective fence. This Citation was issued on June 1, 2009.

B. Photographs in the file show garbage in bags on the ground and in cans without lids, and trash, junk and debris on the ground including what appears to be a large pile of old, weathered cardboard boxes. This violates prohibitions against accumulation of trash and debris on residential property, and creates possible harborage and food for rats. Garbage must be properly stored in cans with tight-fitting lids. Photographs also show that sections of fence are missing.

C. Inspector Cohen testified that when he re-inspected, he found improvement, and that the grass had been cut. Respondent testified that he is replacing the fence a few sections at a time and has cleaned up the property. Because compliance is the goal of code enforcement, and Respondent has substantially complied and does not appear to have had prior code enforcement cases, the civil penalty will be rescinded if all violations are corrected.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if all violations are corrected by July 15, 2009. If the Respondent fails to correct the violations, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 19th day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.